

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTHONY DESOLA,
Plaintiff,

v.

ELEVATION HEALTHCARE, *et*
al.,

Defendants.

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Case No. 3:14-cv-227

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #6);
SUSTAINING DEFENDANTS' MOTION TO DISMISS COMPLAINT FOR
LACK OF JURISDICTION (DOC. #4); DISMISSING COMPLAINT (DOC.
#2) WITHOUT PREJUDICE; JUDGMENT TO ENTER IN FAVOR OF
DEFENDANTS AND AGAINST PLAINTIFF; TERMINATION ENTRY

On August 25, 2014, United States Magistrate Judge Michael R. Merz issued a Report and Recommendations (Doc. #6), recommending that the Court sustain Defendants' Motion to Dismiss Complaint (Doc. #4), dismissing Plaintiff's Complaint (Doc. #2) without prejudice, for lack of subject matter jurisdiction. Although the parties were notified of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

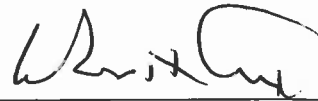
Based on the reasoning and citations of authority set forth by the Magistrate Judge in his Report and Recommendations, as well as upon a thorough *de novo* review of the Court's file and the applicable law, the Court ADOPTS the Report

and Recommendations (Doc. #6), and SUSTAINS Defendants' Motion to Dismiss Complaint (Doc. #4) for lack of subject matter jurisdiction. Said Complaint is DISMISSED WITHOUT PREJUDICE.

Judgment shall be entered in favor of Defendants and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 12, 2014

A handwritten signature in black ink, appearing to read 'Walter H. Rice', is written over a horizontal line.

WALTER H. RICE
UNITED STATES DISTRICT JUDGE